

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No.: 3:04-CR-183-KAC-HBG-1
	)	
MARK C. RYANS,	)	
	)	
Defendant.	)	
	)	

**ORDER DENYING MOTION FOR COMPASSIONATE RELEASE**

Before the Court is Defendant's pro se "Motion for Compassionate Release" [Doc. 84] due to his "medical conditions including diabetes and high blood pressure" [*Id.*].<sup>1</sup> Because Defendant has failed to meet the threshold exhaustion requirement, the Court denies his motion.

Generally, a district court "does not have the authority to change or modify [a] sentence unless such authority is expressly granted by statute." *United States v. Thompson*, 714 F.3d 946, 948 (6th Cir. 2013). 18 U.S.C. § 3582(c)(1)(A) provides narrow circumstances under which the Court may grant an incarcerated individual's motion for compassionate release. As a threshold matter, the Court may not modify a term of imprisonment upon the defendant's motion, unless the defendant filed the motion after he has "fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility." 18 U.S.C. § 3582(c)(1)(A).

Here, Defendant's motion fails at this threshold requirement. Defendant has not stated that he submitted a request to the warden for compassionate release. *See* 18 U.S.C. § 3582(c)(1)(A).


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<sup>1</sup> The Court notes that Defendant filed a motion for compassionate release on the same medical grounds in case number 3:16-CR-98 [Doc. 31], which the Court previously denied [Doc. 36].

Indeed, the record shows that Defendant did not submit any request to the Bureau of Prisons before filing the instant motion [Doc. 86-2 at 1]. At this stage, Defendant's motion is premature, and the Court must deny it.

Because Defendant has not demonstrated that he met the threshold exhaustion requirement, the Court **DENIES** his "Motion for Compassionate Release" [Doc. 84].

**IT IS SO ORDERED.**



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KATHERINE A. CRYTZER  
United States District Judge